UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/46/883
21 February 1992
ENGLISH
ORIGINAL: ARABIC

Forty-sixth session
Agenda item 33

QUESTION OF PALESTINE

Letter dated 21 February 1992 from the Permanent Representative of Mauritania to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the text of resolution 5159; concerning Israeli settlement activity in the occupied Arab territories, adopted by the Council of the League of Arab States meeting in extraordinary session on 20 February 1992. In my capacity as Chairman of the Arab Group for February 1992, I should be grateful if you would arrange for the text of the resolution to be circulated as a document of the General Assembly under agenda item 33.

(Signed) Mohamedou OULD MOHAMED MAHMOUD
Ambassador
Permanent Representative

ANNEX

Resolution 5159 of the Council of the League of Arab States, adopted on 20 February 1992

PALESTINIAN AFFAIRS

SETTLER COLONIALISM IN THE OCCUPIED TERRITORIES

The Council of the League of Arab States,

Having considered note No. 17/1-46 of 16 February 1992 from the State of Palestine (Embassy of Palestine, Cairo), concerning Israeli settlement plans, and the note by the Department of Palestine Affairs of the General Secretariat on the same matter,

Recalling the resolutions of the Council of the League on the subject and the resolutions of the United Nations Security Council, in particular its resolution 465 (1980),

DECIDES

1. To urge the international community, and particularly the States permanent members of the Security Council, to give effect to the provisions of the Charter of the United Nations with a view to the implementation of the United Nations resolutions calling for an immediate halt to settlement activities and to emigration to the occupied Palestinian and Arab territories, for the speedy dismantlement of the Israeli settlements established in the occupied Palestinian and Arab territories by rescission of the measures already taken, and for a halt to the planning of new settlements in the Arab territories, including Jerusalem, in implementation of Security Council resolution 465 (1980);

2. To warn of the dire consequences of usurping occupied Palestinian and Arab land, clearing it of its owners and the installation of Jewish immigrants, with the defiance of the will of the international community that that implies;

3. To call attention to the dangerous character of the settlement measures taken in Jerusalem and to the alteration of its Islamic and Arab characteristics in flagrant violation of the resolutions of the Security Council, particularly its resolutions 252 (1968) and 672 (1990);

4. To condemn Israel for its non-compliance with the resolutions of the Security Council by its persistence in implementing its settlement plans in the occupied Palestinian and Arab territories, which represents a blatant assault on the rights and lands of the Palestinian Arab people and a violation on its part of international covenants and resolutions;

5. To urge the United States of America not to accede to Israeli pressures aimed at obtaining loan guarantees that will assist in the establishment of Israeli settlements in the occupied Palestinian and Arab territories; and to call upon American and international public opinion to show greater understanding of the Arab position as one that is eager for the continuation of the peace process and the ongoing negotiations and for the avoidance of anything that may prevent the success of those negotiations;

6. To make sustained efforts with those countries experiencing waves of Jewish emigration in order to explain the extremely grave consequences of such migration for the rights of the Palestinian people and the part that it plays in the escalation of tension and violence in the Middle East region;

7. To call upon all States not to provide material support that may encourage that settler colonialism which impedes the implementation of United Nations resolutions;

8. To launch an Arab information campaign directed at Western public opinion in general and American public opinion in particular in order to explain the dangers posed by settlement activities to peace in the region and to international peace and security;

9. To request the Secretary-General to follow up the implementation of this resolution and to submit a report on the matter to the Council.

Resolution ES-5159, 20 February 1992

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General Assembly

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GENERAL

A/46/884
21 February 1992
ENGLISH
ORIGINAL: ARABIC

Forty-sixth session
Agenda item 35

THE SITUATION IN THE MIDDLE EAST

Letter dated 21 February 1992 from the Permanent Representative of Mauritania to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a statement issued on behalf of the Secretary-General of the League of Arab States concerning the Israeli attacks on Lebanon.

In my capacity as Chairman of the Arab Group for February 1992, I request you to have the text of the above-mentioned statement circulated as an official document of the General Assembly under agenda item 35, entitled "The situation in the Middle East".

(Signed) Mohamedou OULD MOHAMED MAHMOUD
Ambassador
Permanent Representative

ANNEX

Statement on behalf of the Secretary-General

The treacherous Israeli aggression against Lebanon occurs at a time when all the peoples of the world aspire to see peace and security prevail in the Middle East region. It represents a blatant challenge to all international covenants and customs and emphasizes once again that war and terrorism are an inseparable part of the structure of the Zionist settler entity.

The long and bitter years of the struggle witnessed by the region over the past four decades have left behind thousands of victims, with all the concomitant human suffering that defies description. They have also led to the destruction of a vast quantity of resources that might have been channelled towards construction instead of destruction. However, the fresh Israeli aggression against Lebanon, with all the innocent civilian victims it has caused - more than 100,000 Lebanese fled from this terrorism - and with all the destruction and devastation it has entailed, confirms that Israel's aggression knows no bounds and that it is still endeavouring to reignite the situation in Lebanon. Now that Lebanon has begun to regain its vitality and make substantial steps towards national reconciliation, in accordance with the Taif Agreement, Israel is trying to dilute the international efforts aimed at the implementation of Security Council resolution 425 (1978) and the unification of the standards of international legitimacy. Unquestionably, the heroic Lebanese national resistance finds its basis and its continuity only in the continuation of the ongoing Israeli aggression and occupation in southern Lebanon. Accordingly, the implementation of resolution 425 (1978) would remove the real cause of the tension and the fighting in this area.

Accordingly, the Secretary-General of the League of Arab States calls upon the Security Council not merely to appeal to the parties to exercise restraint but to take measures to curb the aggressor and put an end to Israel's racist expansionist policy.

Furthermore, Israel is actually seeking to demolish the international efforts based on unanimous agreement on the necessity of establishing peace and security in the Middle East and to prevail upon the Arab States to close the negotiating door that opened recently with a view to arrival at a comprehensive and just settlement of the Arab-Israeli conflict on the basis of international legitimacy, whose requirements have been accepted in full by the Arab States in affirmation of their faith in peace as a principle in which they believe as a necessity.

UNITED
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General Assembly

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GENERAL

A/46/885
25 February 1992

ORIGINAL: ENGLISH

Forty-sixth session
Agenda item 20

ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS

Letter dated 25 February 1992 from the President of the Security Council to the Secretary-General

I have the honour to request you to transmit to the General Assembly at its resumed forty-sixth session the following resolution (resolution 744 (1992)) on the admission of the Republic of San Marino to membership in the United Nations, adopted by the Security Council at its 3056th meeting, on 25 February 1992:

"The Security Council,

"Having examined the application of the Republic of San Marino for admission to the United Nations, 1/

"Recommends to the General Assembly that the Republic of San Marino be admitted to membership in the United Nations."

"1/ A/46/881-S/23619.

I would point out that, when adopting the aforementioned resolution, the Security Council decided to have recourse to the provisions of the last paragraph of rule 60 of its provisional rules of procedure in order to submit its recommendation to the General Assembly at its resumed forty-sixth session.

In accordance with rule 60, paragraph 2, of the provisional rules of procedure of the Security Council, I also request you to transmit to the General Assembly, at its forty-sixth session, for its information, the verbatim records of the 3054th and 3056th meetings of the Council, at which the application of the Republic of San Marino was considered.

(Signed) Thomas R. PICKERING
President of the Security Council

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General Assembly Security Council

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GENERAL

A/46/886
S/23641
25 February 1992
ENGLISH
ORIGINAL: ARABIC/ENGLISH

GENERAL ASSEMBLY
Forty-sixth session
Agenda item 125
MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES:
(a) REPORT OF THE SECRETARY-GENERAL;
(b) CONVENING, UNDER THE AUSPICES OF THE UNITED NATIONS, OF AN INTERNATIONAL CONFERENCE TO DEFINE TERRORISM AND TO DIFFERENTIATE IT FROM THE STRUGGLE OF PEOPLES FOR NATIONAL LIBERATION

SECURITY COUNCIL
Forty-seventh year

Letter dated 25 February 1992 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the text of a memorandum from the International Progress Organization, an organization in consultative status with the United Nations, concerning the dispute between the Libyan Arab Jamahiriya and members of the Security Council over the inquiries into the bombing of civilian airliners (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda item 125, and of the Security Council.

(Signed) Ali Ahmed ELHOUDEIRI
Permanent Representative

ANNEX

Memorandum dated 6 February 1992 from the President of the International Progress Organization addressed to the President of the Security Council of the United Nations concerning the dispute between Libya and members of the Security Council over the inquiries into the bombings of civilian airliners

The International Progress Organization presents its compliments to the President of the Security Council of the United Nations and, while welcoming any initiative aimed at combating international terrorism, submits the following memorandum on legal aspects of the Council resolution adopted on 21 January 1992.

1. Security Council resolution 731 (1992) is not in conformity with the requirements of Article 33 of the Charter of the United Nations regarding the peaceful settlement of disputes between Member States. Article 33 requires that the parties "shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement ...".

2. The Security Council - acting under Chapter VI of the Charter of the United Nations, as required - did not pay proper attention to the specifications of Article 36, paragraph 3, according to which the Council, when making recommendations, should consider "that legal disputes should as a general rule be referred by the parties to the International Court of Justice".

3. The procedure in adopting the above-mentioned resolution was not in conformity with the stipulation of Article 27, paragraph 3, of the Charter according to which, in decisions under Chapter VI, a party to a dispute shall abstain from voting. This obligation in the present dispute clearly exists for the United States of America, the United Kingdom of Great Britain and Northern Ireland and France.

4. In its letter of 18 January 1992, Libya, in regard to arbitration of the present dispute, has formally invoked article 14 of the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. The Convention establishes and controls the legal obligations of Contracting Parties, including the United States, the United Kingdom, France and Libya, in connection with legal proceedings related to the destruction of PanAm flight 103 and UTA flight 772. Since all the members of the Security Council are parties to the Convention, they therefore have an obligation to do nothing that would interfere with or prejudice the arbitration process. As international relations within the United Nations framework are based on the rule of law, the countries concerned should fully apply the procedures of the Montreal Convention as the chosen way for addressing this international dispute.

5. Libya, the United Kingdom and the United States have also ratified article 14 of the Montreal Convention according to which the present dispute may be referred to the International Court of Justice by any of the parties if, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of arbitration. The United States and the United Kingdom are therefore obligated to proceed in accordance with the arbitration provisions of article 14. To date they failed to do so, thereby frustrating the treaty and the method provided by international law through the Montreal Convention for addressing acts of terrorism against international civil aviation. If they reject arbitration formally or de facto in violation of the treaty, then the matter should be submitted to the International Court of Justice as the legal and specific means of determining obligations of parties under the Convention.

6. Libya has performed its duties under the Montreal Convention, including its obligation under article 5, paragraph 1. Libya immediately exercised its jurisdiction over the two alleged offenders, it notified the other parties that the suspects were in custody and that immediate steps had been taken to institute a preliminary inquiry.

7. All parties required were notified of the initiation of the preliminary inquiry and requested to cooperate with the Libyan judicial authorities. These authorities made the same request in official communications to the Attorney-General of the United States of America, the Foreman of the Grand Jury in the District of Columbia in the United States, and the French examining magistrate. As of this date, although obligated under the Montreal Convention, all of the requested Governments and officials have failed to respond. Until their evidence can be assessed, Libya is unable to complete the analysis that the Montreal Convention requires. Therefore, the United States and the United Kingdom are frustrating the treaty. Under the circumstances, the insistence by Security Council members on the extradition of the two suspects is in violation of article 7 of the Convention.

8. For the Security Council to deal with the matter to which Council resolution 731 (1992) refers is unprecedented in the United Nations history. The question of extradition in relation to tragic incidents that are several years old is essentially legal in nature. For the Council to endeavour to adjudicate such matters is beyond its power and its capacity. Such matters must be dealt with in accordance with the relevant international legal instruments that apply, and not in a highly politicized context. The Montreal Convention has for 20 years governed unlawful acts against the safety of international civil aviation. The International Court of Justice has jurisdiction to determine violations of the Convention. The Security Council should take no action which would interfere with legal procedures and/or which could aggravate the present dispute among Member States.

The International Progress Organization expresses the hope that the Security Council will take no action that could be seen as justifying aggressive acts by Member States in connection with the present dispute.

Having taken note of the resolutions adopted by the League of Arab States and by the Organization of the Islamic Conference, we appeal to the Security Council not to take any measure which would jeopardize an independent legal investigation of the case, and to support a policy of constructive dialogue to contain the present crisis. Only this would be in conformity with the requirements of reviving the Charter of the United Nations as an instrument to establish a new world order of democracy, peace and justice for all nations, large and small.

We kindly ask you to add this message - in conformity with paragraph (a) of the appendix of the provisional rules of procedure of the Security Council - on the list of communications to be circulated to all representatives on the Council.

(Signed) Dr. Hans KOECHLER
President

UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/46/887
26 February 1992

ORIGINAL: ENGLISH

Forty-sixth session
Agenda item 8

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

Letter dated 25 February 1992 from the Permanent Representative of Egypt to the United Nations addressed to the President of the General Assembly

The open-ended ad hoc group for informal consultations on the revitalization of the United Nations Secretariat has held a number of meetings with a view to agreeing on the terms of a draft resolution to be submitted to the General Assembly for consideration under agenda item 105 entitled "Review of the efficiency of the administrative and financial functioning of the United Nations".

During the course of these consultations it has been suggested that, in view of the nature of the subject-matter, it should be considered directly in plenary meeting.

I have thus the honour to request, in my capacity as Coordinator of the ad hoc group on revitalization of the United Nations Secretariat, that the aspects of agenda item 105 concerning the restructuring of the Secretariat as outlined in the note by the Secretary-General (A/46/882) be considered directly in plenary meeting.

(Signed) Nabil A. ELARABY
Permanent Representative of
Egypt to the United Nations

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UNITED NATIONS

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General Assembly Security Council

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GENERAL

A/46/888
S/23656
27 February 1992
ENGLISH
ORIGINAL: ENGLISH/FRENCH

GENERAL ASSEMBLY
Forty-sixth session
Agenda item 125
MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES

SECURITY COUNCIL
Forty-seventh year

Letter dated 26 February 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General

I have the honour to transmit the text, in English and French, of a statement of the Presidency of the European Community on air terrorism, issued at Lisbon on 17 February 1992 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly, under agenda item 125, and of the Security Council.

(Signed) Fernando REINO
Ambassador of Portugal
Permanent Representative to
the United Nations

ANNEX

Statement on air terrorism

The Community and its member States welcome the unanimous adoption by the Security Council on 21 January 1992 of Security Council resolution 731.

Recalling the statement on the bombing of flights Pan Am 103 and UTA 772 issued by the Maastricht European Council, they underline the great importance which they attach to compliance by Libya with Security Council resolution 731 and they urge Libya to fulfil the requests to which the resolution refers, without delay.

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NATIONS

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General Assembly Security Council

Distr.
GENERAL

A/46/889
S/23666
2 March 1992

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-sixth session
Agenda item 20
ADMISSION OF NEW MEMBERS TO THE
UNITED NATIONS

SECURITY COUNCIL
Forty-seventh year

Letter dated 28 February 1992 from the Permanent Representative of Jamaica to the United Nations addressed to the Secretary-General

I have the honour to inform you that, on 9 January 1992, the Government of Jamaica formally recognized, as sovereign and independent States, the Russian Federation and the 10 other Republics which form the Commonwealth of Independent States.

I should be grateful if you would circulate the text of the present letter as a document of the General Assembly, under agenda item 20, and of the Security Council.

(Signed) Herbert S. WALKER
Ambassador
Permanent Representative

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UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/46/890
4 March 1992
ENGLISH
ORIGINAL: RUSSIAN

Forty-sixth session
Agenda item 20

ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS

Letter dated 3 March 1992 from the Minister for Foreign Affairs of the Republic of Tajikistan addressed to the President of the General Assembly

I have the honour to transmit the text of the statement I had intended to make at the resumed forty-sixth session of the General Assembly (see annex).

I request you to have the text of this statement circulated as an official document of the resumed forty-sixth session of the General Assembly under agenda item 20.

(Signed) L. KAYOUMOV
Minister for Foreign Affairs
of the Republic of Tajikistan

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ANNEX

Statement by the Minister for Foreign Affairs of the Republic of Tajikistan at the ceremony of admission of the Republic of Tajikistan to the United Nations

2 March 1992

Mr. Secretary-General,

Mr. President,

Ladies and Gentlemen,

I have come here today to express the deep joy and gratitude of the President, Parliament, Government and people of Tajikistan on our admission to this family of nations and our entry into the world political system.

We are grateful to each of the members of this great Assembly for its recognition of our country and for the warm welcome extended to us.

Mr. Secretary-General,

I should like once again to convey to you the sincere congratulations of the President of the Republic of Tajikistan on your election to the post of Secretary-General of the United Nations. In Tajikistan you are known as a wise and experienced diplomat who has done much to solve the urgent problems facing the international community.

May I join delegations before me in expressing deep and sincere gratitude to Mr. Shihabi, who as President of the forty-sixth session is directing the work of the Assembly and performing his varied tasks with a high level of competence and devotion to duty.

After a period of nearly 1,000 years, the Tajik people have gained their statehood through the establishment of the Republic of Tajikistan, and today have taken their due place here in the United Nations.

On 4 January of this year, the Parliament of the Republic assured the world community of Tajikistan's adherence to the ideals of the United Nations.

Today about 100 countries of the world have officially recognized the independence of Tajikistan, and I take this opportunity to express sincere gratitude and indebtedness to the representatives of those countries in this hall for their political support.

On 26 February of this year, Mr. Rakhmon Nabiyev, the President of the Republic of Tajikistan, placed his signature under the Helsinki Final Act. The Government of Tajikistan is doing everything possible to ensure all human

rights and fundamental freedoms for its citizens, without distinction as to race, sex, language or religion.

Mr. President,

As a Member of the United Nations, Tajikistan supports the great and positive changes that have taken place in the work of the United Nations, particularly as this world organization frees itself from grandstanding, doctrinaire attitudes and ideological confrontation between States, and is promoting the building of a new world order, defusing conflicts and activating its preventive measures and mechanisms.

At the same time, we all see that new dangers are emerging in the world, caused by outbreaks of nationalism and internal conflicts.

We are in favour of an honourable partnership with all countries. Our policy is a policy of positive neutrality. We are in favour of building security on the basis of cooperation and of pooling our efforts to create a comprehensive system of equal security for all, excluding not only wars, but also violence in general.

We are in favour of accelerating the process of disarmament and establishing a nuclear-weapon-free, non-violent world. Having declared the territory of Tajikistan to be a nuclear-weapon-free territory, we assume the obligation not to possess, produce or use nuclear weapons, and believe that it is impossible to allow, alongside disarmament in one area, the development of the arms race in another.

In its domestic policy, Tajikistan is beginning the most difficult task: the establishment of legislative, political and socio-economic guarantees, the implementation of irreversible democratic changes, and the transformation of the national economy along market lines.

We confirm our common desire to live with everyone in peace and harmony, to preserve the heritage and to struggle for the future of the peoples living in Tajikistan.

We proudly take our place as a new Member of the Organization and we confidently hope that, along with other Member States, we will play our role in strengthening international peace, progress and mutual understanding.

In this connection, I wish to recall the words of the great classic Tajik-Persian poet Sadi, who said 500 years ago:

"Mankind was born from one flesh
Each of us is a link in a single chain
If one link encounters misfortune
All the other links will preserve it."

The most important acquisition of human civilization has been democracy.

We reject any subjugation of our policy to ideological, nationalistic or religious doctrines.

Relying on the effective role of the United Nations and the Security Council, Tajikistan is taking part in the search for effective solutions to the Afghan problem and the normalization of the situation in the Middle East and in other regions of the world.

Allow me to take the opportunity of this solemn occasion to congratulate the States of Uzbekistan, Kazakhstan, Azerbaijan, Moldova, Kyrgyzstan, Turkmenistan and Armenia on their admission to the United Nations, and express the hope that their admission will have a beneficial effect on the development and strengthening of the Commonwealth of Independent States and will become a major factor of stability throughout the world.

Thank you for your attention.

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General Assembly Security Council

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A/46/891
S/23691
11 March 1992
ENGLISH
ORIGINAL: FRENCH

GENERAL ASSEMBLY
Forty-sixth session
Agenda item 145
The situation of democracy and human rights in Haiti

SECURITY COUNCIL
Forty-seventh year

Letter dated 10 March 1992 from the Permanent Representative of Haiti to the United Nations addressed to the Secretary-General

Acting on instructions from my Government, I have the honour to transmit to you the following:

1. A copy of the protocol of agreement between President Jean-Bertrand Aristide and the parliamentary negotiating commission to find a definitive solution to the Haitian crisis, signed in Washington on 23 February 1992 (annex I);

2. A copy of the protocol of agreement between President Jean-Bertrand Aristide and the Prime Minister-designate, René Theodore, under the auspices of the Organization of American States, signed in Washington on 25 February 1992 (annex II).

I should be grateful if you would have the text of this letter and its annexes circulated as a document of the General Assembly, under agenda item 145, and of the Security Council.

(Signed) Fritz LONGCHAMP
Ambassador
Permanent Representative

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ANNEX I

PROTOCOL BETWEEN PRESIDENT JEAN-BERTRAND ARISTIDE AND THE PARLIAMENTARY NEGOTIATING COMMISSION TO FIND A DEFINITIVE SOLUTION TO THE HAITIAN CRISIS

Article I

The signatory parties to this protocol recognize and acknowledge the principle of the urgent necessity for a concerted and negotiated solution to the political and institutional crisis which Haitian society has been experiencing since President Jean-Bertrand Aristide went into exile on 30 September 1991, and that this solution, in order to be viable and lasting, must be sought within the context of respect for the Haitian Constitution and for national sovereignty and must lead to:

National concord;

The establishment and consolidation of democratic institutions;

The implementation of measures to guarantee civil liberties, halt repression and prevent any attempts at revenge or settling of accounts.

Article II

With all these aims in view the signatory parties undertake to:

1. Encourage, consolidate and respect the principle of the separation of powers in accordance with the Constitution and, within that context, to work to set in place mechanisms for harmonization and collaboration so as to facilitate the establishment of the institutions provided for in the basic Charter;

2. Guarantee civil liberties and facilitate the free functioning of political parties and civic organizations in respect for the Constitution and the laws governing said organizations.

Article III

The Parties recognize the necessity for the Haitian Parliament, which is the co-depositary of national sovereignty, to:

1. Reinstate Jean-Bertrand Aristide in the exercise of his function as the constitutionally-elected President of the Republic of Haiti and undertake to assist the Government of national consensus to bring about the conditions for the return of Jean-Bertrand Aristide to Haiti;

2. Draw up and pass laws to set in place the institutions provided for in the Constitution, inter alia:

(a) The Act concerning territorial groups;

(b) The Act concerning separation of the police and the armed forces;

(c) The Act concerning operation of the citizens' protection bureau;

3. To facilitate, by laws and regulations, implementation of a policy of social peace and economic revival.

Article IV

The Parties recognize the necessity for President Jean-Bertrand Aristide to:

1. Respect the decisions taken and acts ratified by the Haitian Parliament. In the event of a disagreement between the executive and the legislative, it shall be possible for either party to refer to the Conciliation Commission, in accordance with article 111-5 of the Constitution;

2. Agree that, during his absence, the Prime Minister shall take over management of the affairs of State, in accordance with article 148 of the Constitution.

Article V

The Parties recognize the need to:

1. Proclaim a general amnesty, save for common criminals;

2. Refrain from any ambiguous statement which could be interpreted as an incitement to violence;

3. Accept the new consensus Prime Minister chosen by President Jean-Bertrand Aristide in consultation with the President of the Senate and President of the Chamber of Deputies;

4. Request the lifting of the embargo and the sanctions provided for in chapter I, paragraph 4 of resolution MRE-2/91 of the Organization of American States, immediately after confirmation of the Prime Minister and installation of the Government of national consensus;

5. Recognize their obligation to undertake all necessary measures with a view to putting national institutions in a context that will enable them to take all decisions within their competence, in complete freedom, without

having to suffer violent intervention, threats of violence from any force whatever;

6. Recommend to Parliament that it should, as a matter of urgency, approve the request of President Jean-Bertrand Aristide to OAS to send the civilian OAS-DEMOC mission to Haiti;

7. Request the Organization of American States and the international community to provide the Government of national consensus with substantial assistance as a matter of urgency so as to revitalize the Haitian economy, promote social well-being, professionalize the armed forces and the police and strengthen the democratic institutions;

8. Reject and condemn any intervention by foreign armed forces in the settlement of Haitian affairs.

DONE in good faith, in triplicate, at Washington, D.C., on 23 February 1992.

This protocol of agreement shall enter into force immediately after ratification by the National Assembly at the convocation of its President.

(Signed) Jean-Bertrand Aristide
President of the Republic of Haiti

(Signed) Dejean Belizaire
President of the Senate and of the
parliamentary negotiating commission

(Signed) Alexandre Médard
President of the Chamber of Deputies
and Vice-President of the
parliamentary negotiating commission

Witnesses:

DELEGATION OF THE PARLIAMENTARY COMMISSION

(Signed) Thomas Eddy Dupiton

(Signed) Jean-Robert Martinez

(Signed) Duly Brutus

(Signed) Joseph Lambert

DELEGATION OF PRESIDENT ARISTIDE

(Signed) Evans Paul

(Signed) Guy Alexandre

(Signed) Michael Gaillard

(Signed) Patrick Elíe

(Signed) Jean Molière

(Signed) Turneb Delpé

DELEGATION OF OAS-DEMOC

(Signed) Augusto Ramírez Ocampo

(Signed) Enrique Peinado Barrios

(Signed) Mario-Gonzalez Vargas

(Signed) Edwin Carrington

(Signed) John Biehl

(Signed) Lawrence Harrison

ANNEX II

PROTOCOL OF AGREEMENT BETWEEN PRESIDENT JEAN-BERTRAND ARISTIDE AND PRIME MINISTER-DESIGNATE, RENE THEODORE, UNDER THE AUSPICES OF THE ORGANIZATION OF AMERICAN STATES (OAS)

In order to establish a climate of confidence, restore the democratic order, stimulate the national economy, consolidate the institutions and facilitate the return to power of President Jean-Bertrand Aristide:

1. The undersigned parties recognize, in setting in motion the restoration of the constitutional order in Haiti, the importance of resolutions MRE/RES.1/91 and MRE/RES.2/91 of the ad hoc Meeting of Ministers for Foreign Affairs of member countries of the Organization of American States and resolution CP/RES.567 (870/91) of the Permanent Council of the Organization.

2. They recognize, in setting in motion the restoration of the constitutional order in Haiti, the importance of the "protocol between President Jean-Bertrand Aristide and the parliamentary negotiating commission to find a definitive solution to the Haitian crisis".

3. They recognize also that President Jean-Bertrand Aristide enjoys fully and completely his constitutional prerogatives as Head of State.

4. The parties pledge to take all necessary measures to guarantee public liberties and to halt all repression and reprisals. To that end, they recognize the necessity for the deployment, as quickly as possible, of the civilian OAS/DEMOC mission and of representatives of the Inter-American Commission on Human Rights.

They urge international organizations, in particular the United Nations, the organizations for the defence of human rights and the international press to spare no effort in their contributions to that endeavour.

5. The parties recognize the need to form a Government of national unity, whose programme will be drawn up - with the political parties represented in Parliament and which support this Government - by the Prime Minister together with the President.

6. In order not only to respect the vote of 16 December 1990 and the mandate relating thereto but also to guarantee the Prime Minister's responsibility for forming the government team, the parties agree that the President and the Prime Minister shall proceed, in agreement to choose the persons to fill the ministerial posts.

7. The parties recognize the need, once he has been confirmed, for the Prime Minister to work to create the conditions for the return of President Jean-Bertrand Aristide. In the meanwhile, the Prime Minister

undertakes to meet the President of the Republic, as far as possible every two weeks, to evaluate the functioning of the Government and the conditions of return.

For this meeting, they shall request a report from the Secretary-General of the Organization of American States to enable them to evaluate the assistance of that institution with regard to the progress of the return process. One month after ratification, the President of the Republic, the Prime Minister and the Secretary-General shall meet to determine the modalities of the return of the President of the Republic.

8. The President undertakes to provide the Prime Minister with all necessary collaboration and political support for the accomplishment of his task in accordance with the provisions of the Constitution.

9. The parties recognize the need to request the lifting of the embargo and other sanctions contained in chapter I, paragraph 4 of resolution MRE/RES.2/91 of the ad hoc Meeting of Ministers for Foreign Affairs of member countries of the Organization of American States, at the official request of President Jean-Bertrand Aristide, once the Prime Minister has been confirmed and the Government installed.

10. The parties undertake to give particular attention to the military institution with a view to professionalizing it and establishing better conditions, materially and as regards morale, that should enable it to participate in the democratic process and carry out its constitutional task.

11. The parties recognize the need to approach member countries of the Organization of American States and the United Nations, international organizations and the international community in general in order to obtain emergency assistance for the reconstruction of Haiti's economy and the technical and financial means required to strengthen its institutions.

Done in good faith in triplicate at Washington, D.C., on 25 February 1992.

(Signed) Jean-Bertrand ARISTIDE
President of the Republic of Haiti

(Signed) René THEODORE
Prime Minister-Designate

Signed under the auspices of the Organization of American States,

(Signed) Joao Baena Soares
Secretary-General